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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

THIRD APPELLATE DISTRICT

(San Joaquin)

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THE PEOPLE,

Plaintiff and Respondent,

v.

MICHAEL PAUL LEONARD,

Defendant and Appellant.

C087320

(Super. Ct. No.  
LODCRFE201615917)

Appointed counsel for defendant Michael Paul Leonard filed an opening brief setting forth the facts of the case and asking this court to review the record to determine whether there are any arguable issues on appeal. (*People v. Wende* (1979) 25 Cal.3d 436 (*Wende*).) After reviewing the entire record, we affirm the judgment.

We provide the following brief description of the facts and procedural history of the case. (See *People v. Kelly* (2006) 40 Cal.4th 106, 110, 124.)

## **FACTUAL AND PROCEDURAL BACKGROUND**

Defendant molested two of his cousins multiple times when the children were five and six years old. He pleaded guilty to two counts of lewd and lascivious acts upon a child by force in violation of Penal Code section 288, subdivision (b)(1).<sup>1</sup> Defendant subsequently moved to withdraw his guilty pleas, and the court held an in camera hearing and appointed new counsel to represent defendant for that purpose. Subsequently, new counsel averred that he saw no grounds upon which to go forward with the motion to withdraw the plea.

The trial court sentenced defendant to state prison for an aggregate term of 18 years, as follows: the upper term of 10 years for the first count of lewd and lascivious acts upon a child and a consecutive eight years, the midterm, for the second count of lewd and lascivious acts upon a child. The court imposed various fines and fees, including a restitution fine in the amount of \$300, a fine for first conviction of a section 290 offense in the amount of \$300, a \$40-per-count court operations assessment fee, and a \$30-per-count conviction assessment fee; and the court awarded defendant presentence credit for 517 actual days and 77 days' conduct credit.

Defendant appeals. He did not obtain a certificate of probable cause.

## **DISCUSSION**

We appointed counsel to represent defendant on appeal. Counsel filed an opening brief that sets forth the facts and procedural history of the case and requests this court to review the record and determine whether there are any arguable issues on appeal. (*Wende, supra*, 25 Cal.3d 436.) Defendant was advised by counsel of his right to file a supplemental brief within 30 days from the date the opening brief was filed. More than 30 days have elapsed, and defendant has not filed a supplemental brief. Having undertaken an examination of the entire record pursuant to *Wende*, we find no arguable

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<sup>1</sup> Undesignated statutory references are to the Penal Code.

error that would result in a disposition more favorable to defendant. Accordingly, we affirm the judgment.

**DISPOSITION**

The judgment is affirmed.

RAYE, P. J.

We concur:

HULL, J.

BUTZ, J.